The Jasper County Board of Commissioners met this date at 8:15 A.M. in the Commissioners' Room, Suite 202, of the Jasper County Courthouse located at 115 West Washington Street, Rensselaer, Indiana, with the following members present: Kendell Culp, Richard E. Maxwell and James A. Walstra. Also present was the Auditor of Jasper County, Kimberly K. Grow; Deputy Auditor, Donna J. Horner; Highway Engineer/Supervisor Jack R. Haberlin and the Attorney who represents the Commissioners, Eric Beaver. The meeting was called to order and those present stood and recited the Pledge of Allegiance led by Mick Odom, a Vietnam Veteran.

<u>CLAIMS</u>: Mr. Culp stated that there were several claims in regards to the waste disposal. There is a new company that is about half the price of the new one that we may want to check in on. Mr. Haberlin suggested that we consider bids for the services. Mr. Culp requested information in regards to the claim from American Wire Rope & Sling in the amount of \$5,770.86. Mr. Haberlin replied that this company is where the plow shears for the snow blades are purchased. Mr. Culp stated that he noticed that the final payment has been made on the exterior finish of the courthouse. Mr. Haberlin stated that the final paperwork is signed off by Etica. Mr. Culp stated that there are several end of the year claims submitted by the Coroner. Do we need a change of policy? Mr. Maxwell replied that we need to have it changed. Itemized receipts need to be turned in for the claims rather than just paying out the entire amount budgeted. Mr. Maxwell made the motion to approve the claims as submitted. In the future, the Coroner's claims will need to be supported with itemized receipts. Mr. Walstra seconded and the motion carried.

<u>PAYROLL CLAIM & ALLOWANCE DOCKET:</u> Mr. Walstra made the motion to approve the Payroll Claim & Allowance Docket for the check date equal to 11/30/2015. Mr. Maxwell seconded and the motion carried.

MINUTES: Mr. Walstra made the motion to approve the Minutes of the Regular Meeting held on November 2, 2015; the Executive Session held on November 2, 2015; the Continued Meeting held on November 16, 2015; and the Executive Session held on November 16, 2015. Mr. Maxwell seconded and the motion carried.

<u>BURIED CABLE:</u> Mr. Maxwell made the motion to approve the following buried cable permits submitted by Centurylink. Mr. Walstra seconded and the motion carried.

CENTURYLINK:

ACT #1234	For the purpose of replacing buried service wire that cannot be repaired in Wheatfield Township. There is no tile in the area. (Permit #705)
ACT #1235	For the purpose of placing new buried service wire in Union Township. There is no tile in the area. (Permit #706)
ACT #1236	For the purpose of replacing existing buried service wire that cannot be repaired in Walker Township. There is no tile in the area. (Permit #707)

HEARTLAND FARM SERVICE / UNDERGROUND PIPE: Mr. Haberlin submitted a right-of-way permit for Heartland Farm Service in Hanging Grove Township. Attorney Don Shelmon explained that the proposed project is similar to the same thing that Bos Dairy did approximately 3 miles down the road which would consist of laying an underground pipe for the purpose of piping manure so that they can inject by dragline. The project would involve three (3) townships. The pipe will begin in Gillam Township and go along Division Road on the north side into Barkley Township. There will be an access just on the west side of CR 400E going south into Hanging Grove Township for approximately one mile. This will allow them to have access to fields where they currently spread manure without traveling on county roads. Mr. Culp stated that there needs to be standards. Mr. Culp asked if there was a hold harmless agreement for the county? Mr. Haberlin replied that once they sign the agreement, the hold harmless is in there.

HEARTLAND FARM SERVICE / UNDERGROUND PIPE CON'T: Mr. Culp asked how the locate service would work? How do they know about the pipeline? Mr. Haberlin replied that they would only know that if this organization were to become a member of the locate service (Holey Moley / Indiana 811). Mr. Culp replied that he feels we need to check into that. I can see a potential problem 10 years down the road when somebody is out there digging. Mr. Culp also expressed concern with maintenance. If there is a public utility and they abandon that, does their right to be in that easement go away? Attorney Shelmon replied that he believes that they would have to come before the Board again and have you do something to show that it was abandon to vacate it somehow. After further discussion, the following specifications were agreed upon by the Commissioners:

Line must be locate able

Owner of line must be a member of Indiana 811 / Holey Moley Installation:

Bored minimum of 5' under original bottom of ditch

Bored minimum of 3' under road

Buried minimum of 3' of cover elsewhere

Schedule 900 pipe, similar to sanitary sewer line specs

Agree to hold county harmless

Required to maintain any drainage tile in directed vicinity of line, regardless of ownership for a minimum of 3 years

Install signage to identify location of pipe

Notify all affected property owners

Follow all federal, state and local laws, rules and regulations regarding the location, installation, maintenance and operation of line.

Responsible for annual inspection and maintenance of line

If line is on similar grade as drainage tile, the line must be installed below tile

The county will work through Purdue extension to help determine standards. Mr. Haberlin stated that he would like for Attorney Beaver to review the hold harmless clause that is located within the contract. Mr. Maxwell made the motion to approve the request for the line for DeJong Dairy in the Hanging Grove, Barkley and Gilliam Township areas with the additional requirements. Mr. Walstra seconded and the motion carried. Mr. Culp suggested that Mr. Haberlin detail the exceptions out for the next time a request is submitted. Mr. Haberlin suggested that the additional requirements be added to the ordinance book currently being worked on by Attorney Beaver. Attorney Shelmon will create a document outlining the requirements for this specific request.

<u>BOARD OF FINANCE MEETING:</u> Carla Anderson, Treasurer, requested that a date be set for the yearly Board of Finance meeting. Indiana Code requires that the meeting be held after the first Monday in January and on or before the last day in January. The date was set for Tuesday, January 19th at 8:30 a.m.

ADDITIONAL EMPLOYEE / TREASURER: Ms. Anderson stated that for 25+ years she has had two (2) full-time employees. The County Council did approve the funding for 2016. Permission was requested to fill the second full-time position effective January 1. In response to a question from Mr. Culp, Ms. Anderson replied that she has two (2) part-time employees. One of the part-time employees last day was on Friday leaving an opening for another part-time employee. The County Council did not approve any part-time funding for 2016; however, Ms. Anderson stated that she will be attending the January Council meeting with a request for an additional appropriation for part-time help. Mr. Culp stated that we need to see what the Council is going to choose to do. Ms. Anderson stated that Paul Joyce, State Examiner, has stated that if funding is available, the law states you have a right to staff your office. The Auditor, Treasurer, Recorder, Superintendant of Schools, and the County Sheriff are each entitled to one first Chief Deputy and also may appoint the other number of full-time and part-time deputies authorized by the County Fiscal Body. Ms. Anderson stated that the code states that I can enforce the request. Mr. Culp stated that Attorney Beaver will need to review the code.

<u>PORTER COUNTY DETENTION CENTER / AGREEMENT:</u> Mike Spangler, Probation Department, presented an agreement for Porter County Detention Center. The agreement has been in existence for the past several years and the price remains the same. The agreement shall commence on January 1, 2016 and terminate on December 31, 2016. The annual sum of \$11,000.00 will provide One Hundred (100) "bed days" of bed space services. Attorney Beaver has reviewed the agreement. Mr. Walstra made the motion to approve the agreement with Porter County. Mr. Maxwell seconded and the motion carried.

RELEASE OF RIGHT-OF-WAY: Attorney Don Shelmon stated that while in the process of purchasing the property that is located across from Kankakee Valley High School, we found that the building was actually built over the property line and extends upon the right-of-way of the county. It extends approximately 1.3' on the south side and going up to 2.6' over the line on the north side of the property. What we are proposing to do is to have the county release that portion of the right-of-way where the building is actually located on the county's property. While doing a title search, it was discovered that there has been no title to the property where the right-of-way is located for the last 100 years. We are requesting that the county release their right-of-way for that portion allowing the new buyer to take actual title without having an encroachment upon them. We have also indicated that the owner of the property would hold the county harmless from anything that would occur to the building as a result of being immediately adjacent to the rest and remainder of the right-of-way. Additionally, we would revert the right-of-way to the county in the event the building is taken down or removed in any way. The building was built in 1979 and, in essence, has existed that way. Attorney Beaver stated that his thought is that it has been over 30 years since this encroachment has existed and there hasn't been an issue in regards to any entity requiring access to this very small portion. With that, Attorney Shelmon and I have agreed to not actually vacate any portion of the right-of-way or to give a permanent variance but instead to have this temporary situation be able to continue to allow the property to be marketable and then if that building ever comes out of commission; Jasper County's rights are fully restored. Mr. Maxwell asked if this will go from owner to owner? Attorney Beaver replied, "yes, it does". Mr. Culp asked if the potential owner would be interested in doing a public service project? Mr. Culp continued to state that he has received a couple of calls in regards to restriping the intersection at 400 on the north side for the school's safety. Attorney Shelmon replied that he will bring it up to the potential owner. Mr. Maxwell made the motion to approve the request. Mr. Walstra seconded and the motion carried.

<u>REQUEST TO REPLACE PART-TIME / ANIMAL SHELTER:</u> Mark Sinclair, Animal Control Director, stated that they had a part-time Animal Control Officer quit last week. Permission was requested to refill the position. Mr. Maxwell made the motion to approve the request. Mr. Walstra seconded and the motion carried.

<u>COUNTY-WIDE AMBULANCE / PRESENTATION:</u> Terri Swartz, citizen, was present to give a presentation on the benefits of a county-wide ambulance service. Information was distributed to the Commissioners and reviewed by Ms. Swartz.

AMBULANCE SERVICES FOR 2016 & 2017 / BID DISCUSSION: Bids for ambulance services for the years 2016 and 2017 were opened at the Monday, November 2, 2015 meeting. Bid packets were received from Prompt Ambulance Services, Lakeshore EMS, Superior and Franciscan Alliance. Mr. Culp stated that the low bidder was Lakeshore EMS by \$500.00 per month. A representative from Lakeshore EMS stated that their bid was essentially for one (1) ambulance to cover the six townships as requested within the RFP (Request for Proposals). Additionally, we receive our medical direction from St. Anthony's Medical Center and we have a close working relationship with Franciscan. We were approached last week to provide an additional ambulance for Franciscan Hospital just for transfers out of there and to run backup 911 for the geographic area mentioned in the RFP. The contract for the second ambulance would be with the hospital. Mr. Culp asked if there would be any language within the second contract with the hospital that would affect the County as far as service? The representative replied that we do want to keep them available for additional 911 responses from the County. Mr. Culp, speaking to the representatives present from Franciscan, stated that he always heard the money was in transfers so why would you want to sub out the transfers to another provider? A representative replied that we certainly will take it into consideration if we get the 911 service. Since this would be a new venture for us we wanted to spend the first two years getting familiar with the market and getting our process and then operations up and running.

AMBULANCE SERVICES FOR 2016 & 2017 / BID DISCUSSION CON'T: Mr. Culp stated that his thought is that we currently have two ambulances provided by Prompt and I certainly would not be in favor of going to one to save \$500.00; however, if you were to have a contract with Franciscan Rensselaer that would provide another ALS ambulance to do transfers and would be available to us for 911 calls then that's a different story. Right now, it doesn't sound like we are all on the same page. The representative from Lakeshore stated that, from our prospective, I am currently putting together another ambulance regardless of how the bid goes today for the 911. We will be providing a transfer ambulance to Rensselaer. Mr. Culp stated that in light of these recent developments with Lakeshore, we are going to defer this decision until the December 21, 2015 meeting. We need to know what this agreement is and how it affects the County.

At this time, there was a short break.

<u>DATA SHARING AGREEMENT:</u> Alan Shanks, Surveyor's Office, presented a Data Sharing Agreement from Ecology and Environment, a company located in Atlanta, Georgia that is working for NIPSCO. Mr. Walstra made the motion to approve the request. Mr. Maxwell seconded and the motion carried.

<u>SURVEYOR / REQUEST TO REPLACE POSITION:</u> Vince Urbano, Surveyor, requested permission to replace his full-time secretarial position. Mr. Maxwell made the motion to approve the request. Mr. Walstra seconded and the motion carried.

QUALITY CORRECTIONAL CARE / ADDENDUM: Sheriff Risner stated that representatives from Quality Correctional Care were present to answer any questions in regards to the Agreement Addendum addressing HEA 1269. Quality Correctional Care (QCC) would like to see a Memorandum of Understanding (MOU) implemented with the County Health Department on obtaining such items as birth certificates which are required to enroll the inmates. Attorney Beaver stated that he does not have a problem with the contract as a whole and he would recommend that we proceed; however, he has not been in contact with Quality Correctional Care to make some slight revisions. A representative from QCC explained that their contract goes per submitted application. After further discussion, Attorney Beaver stated that he is comfortable with QCC as a vendor. Sheriff Risner added that he also has no reservations with using QCC. Mr. Maxwell made the motion to approve the Jasper County Inmate Healthcare Services Agreement Addendum with Quality Correctional Care. Mr. Walstra seconded and the motion carried. Mr. Maxwell made the motion to approve the Memorandum of Understanding between the Jasper County Sheriff's Department and the Jasper County Health Department. Mr. Walstra seconded and the motion carried.

<u>JAIL INSPECTION REPORT:</u> Sheriff Risner submitted the Jail Inspection Report for the Commissioners' review.

<u>PERMISSION TO FILL NEW POSITION / SHERIFF:</u> Sheriff Risner stated that the Council did approve one (1) additional position for a Correctional Officer. Permission was requested to fill this position after the first of the year. Mr. Walstra made the motion to approve the request. Mr. Maxwell seconded and the motion carried.

SECURITY / ANNEX BUILDING: Sheriff Risner expressed concern with the lack of security at the Annex building. The Sheriff stated that he feels that we are not immune from the hazards that are happening around the nation as far as safety and security. There are some security measures in place; however, anyone who enters the building has free rein. Sheriff Risner stated that he believes that we do need to sit down in a private meeting and look at some means of providing some type of additional benefit for some of our outlying areas.

<u>FROST LAW / UPDATE:</u> Attorney Beaver gave a brief update on the frost law that he is currently working on. A larger issue is ordinance enforcement in general. There are so many different options / approaches to the frost law. A lot of these decisions will need to be made by the Commissioners on a policy level. Attorney Beaver stated that he hopes to have something to the Commissioners before the next meeting.

<u>BIDS FOR VARIOUS SUPPLIES & MATERIALS FOR 2016:</u> The bids for various supplies and materials for the year 2016 were opened. Mr. Maxwell made a motion to accept all bids. Mr. Walstra seconded and the motion carried.

MEMORANDUM OF UNDERSTANDING / HAZMAT AGREEMENT: Karen Wilson, EMA Director, was present in regards to an update on the HazMat agreement that was previously discussed. Ms. Wilson explained that we do not have a HazMat team within our County as of yet; therefore, we have to rely on other counties to provide service to us. There is no problem with these counties providing the service; however, they would like to have a Memorandum of Understanding (MOU) in place. Right now, they would just request that their materials be covered if they were to come to our county in the event of a HazMat situation. Ms. Wilson stated that she has found legislation that supports the need for an MOU. Ms. Wilson requested that the Commissioners request that Attorney Beaver proceed with reading the legislation and possibly come up with some terminology and language for a written MOU. The MOU will be with Lake, LaPorte, Porter, and Tippecanoe counties.

RESOLUTION / GRANT APPLICATIONS: Ms. Wilson stated that the State is changing the way they obtain signatures for grant applications. They have requested that the Commissioners pass a Resolution authorizing an individual to execute for and on behalf of the Board, any actions or documents, including grant and sub-grant or subrecipient applications and agreements, necessary for the purpose of obtaining federal or State financial assistance from the Indiana Department of Homeland Security or the Indiana Homeland Security Foundation. Mr. Walstra made a motion to allow the President of the Board of Commissioners and the County Auditor to be the signatories for the electronic filing of these documents. Mr. Maxwell seconded and the motion carried.

ST. JOSEPH COLLEGE / ESSENTIAL SERVICES: Ms. Wilson stated that she received an email from Fred Plant at St. Joseph College in regards to helping to get essential services to St. Joe in the event of a weather situation / emergency. If this were honored, I would anticipate that the hospital would like the same service. Ms. Wilson has spoken with Gail Ackerman, Highway Department, as well as the Sheriff. Ms. Ackerman stated that she explained to Ms. Wilson that with the manpower that we have and the amount of area that we have to cover, the employees are going to be running around resulting in no roads getting plowed. There will not be a section of road completely plowed. The Commissioners agreed that they would not be able to provide this type of service.

NIPSCO / CR 250E: According to an email received from Erin Whitehead, NIPSCO, their surveyor has not been successful in contacting Turning Point. Mr. Culp stated that the sticking point is who owns the road. I thought that the County was allowing them to build the road and they would give us an easement; however, NIPSCO wants us to own the land under the road. Mr. Haberlin replied that it's probably not that big of an issue. We make them do that with modern day subdivisions. We wrote the ordinance that states that the County wants to own the property under the road. Mr. Maxwell and Mr. Walstra agreed that the County should own the property since we own the rest of them. In response to a question from Mr. Culp, Mr. Haberlin replied that we do own the property under the road on modern day subdivisions; however, we do not on most County roads. Mr. Culp stated that the email reads "I believe our project team was under the impression that the County would take ownership of the land, and it should be donated by NIPSCO (conveyed for \$1). What is your concern with the County taking ownership? I believe our Legal team has always taken the position with your County Attorney that we do not want ownership of the road." Mr. Culp asked if there was a technicality between owning the road and owning the land under the road? Attorney Beaver replied that the statute that he has seen that refers to the right-of-way over the road does not assume the ownership under the road. It just allows the County to make the right-of-way. Attorney Beaver stated that he does not know if there would be a property tax issue. After further discussion, Attorney Beaver stated that his thought is that if the County were to own the land under the road, it would not add any liability to the County because the County is already going to be taking the steps to maintain the road as it does any other road. Through the right-of-way, the County would have assumed the legal obligation as well as the rights that it gets with the right-of-way.

NIPSCO / CR 250E CON'T: After some discussion regarding possible liability with the area being a landfill, Attorney Beaver stated that we could put into the agreement that NIPSCO would assume the cost of any sort of environmental cleanup that would go with the property under the road just so the County is not assuming any environmental liability in that regard. Mr. Culp asked Dawn Hoffman, Assessor, if the assessment of the land changes when the use changes? Ms. Hoffman replied that she would change it to commercial. Mr. Culp stated that in our discussions with NIPSCO, we tried to encourage them to be better community partners. Discussion had taken place about Wheatfield Fire Department having a lot of special equipment that is really only needed at the Schahfer station. According to the email received from Erin Whitehead, the Wheatfield VFD had not been receiving funds from Kankakee Township. As of 12/31/14, the cumulative fire fund in Kankakee Township had nearly \$360,000.00 sitting in it. As you are well aware, NIPSCO pays a large portion of the taxes in Kankakee Township, and we have concerns that the taxes we are paying for fire protection of the township residents, our employees and our station are not being dispersed as they should be. Attempts have been made to contact the Township Trustee to discuss.

GAS EQUIPMENT APPLICATION / CENTRAL ANNEX: Mr. Haberlin stated that it will cost approximately \$880.00 to switch from liquid propane to natural gas. Mr. Walstra made the motion to switch the central annex to natural gas. Mr. Maxwell seconded and the motion carried.

<u>EMPLOYEE BONDS:</u> Mr. Maxwell made the motion to approve employee bonds for the following: Christine Haskell, Prosecuting Attorney; Beth Ann Warren, Recorder; Barbara Robinson, Deputy Auditor and Patricia DeKock, Court Recorder. Mr. Walstra seconded and the motion carried.

ECONOMIC DEVELOPMENT ORGANIZATION / UPDATE: Kevin Kelly, Economic Development Director, stated that the Jasper County Economic Development Board took a position in adopting a statement/public policy trying to get the State to provide more state dollars for local road maintenance and improvements. Mr. Kelly also reported that Advance Auto Parts is having a community open house on Wednesday evening beginning at 5:00 p.m. central time. JCEDO will also be holding their annual Christmas open house one week from Wednesday from 4:30-6:30 p.m.

<u>FAIR BOARD / UPDATE:</u> Steve Jordan, Jasper County Fair Board, reported that the Fair Board has made a commitment that there will be fireworks at the fairgrounds on July 2. Other possibilities include a grandstand event and a supper.

JASPER COUNTY LIBRARY / APPOINTMENT: Mr. Maxwell made the motion to reappoint Janet Umlauf to the Jasper County Library Board. Mr. Walstra seconded and the motion carried.

REQUEST TO EXTEND COMPENSATORY TIME / COMMUNITY CORRECTIONS: William Wakeland, Director / Community Corrections, has requested that Work Release Supervisor, Melinda Scheffer, be allowed to further extend the last 2.375 hours of her compensatory time for an additional thirty (30) days. Mr. Maxwell made the motion to approve the request. Mr. Walstra seconded and the motion carried.

<u>VALADE ELECTRIC / QUOTE:</u> Mr. Culp stated that Bud Justice, Maintenance, has submitted a proposal from Valade Electric to retrofit the lighting around the Courthouse to LED lights. The total cost for (2) LED floodlights and (8) LED post top retrofit lights is \$7,020.00. No decision was made at this time.

STORAGE BUILDING / MAINTENANCE: Mr. Culp stated that the new mower with the snow blade and cab does not fit within the current storage building. The cost of a 12 x 16 storage building is approximately \$3,600.00. This price does not include the cost of an overhead door. No decision was made at this time.

<u>AIC LEGISLATIVE CONFERENCE:</u> Permission was requested for Kendell Culp, Commissioner; Kimberly Grow, Auditor; Vickie Bozell, Clerk; and Beth Warren, Recorder, to attend AIC Legislative Conference in Indianapolis on January 25, 26 and 27. The costs incurred will include registration fees, lodging and some meals. Mr. Walstra made the motion to approve the request. Mr. Maxwell seconded and the motion carried.

<u>WINTER CONFERENCE / ASSESSOR:</u> Dawn Hoffman, Assessor, has requested permission for three (3) people to attend the Assessor Winter Conference to be held January 19-22 in Indianapolis. Attendance at this conference is needed to obtain the continuing education hours required for certifications. Expenses include registration fees, hotel and meals. The county car will be requested for transportation. Mr. Walstra made the motion to approve. Mr. Maxwell seconded and the motion carried.

<u>HIGHWAY / REQUEST FOR COMPUTER:</u> Mr. Haberlin has requested permission to purchase a computer for the mechanic's shop. This would enable the new mechanic to do purchasing of needed items. Mr. Haberlin was advised to contact Bill Batley, IT, to fill the request.

<u>COBRA RATES:</u> Mr. Maxwell made the motion to approve the following COBRA rates for 2016. Mr. Walstra seconded and the motion carried.

4-Tier

Employee	\$1,072.21
Employee / Child	\$2,037.19
Employee/Spouse	\$2,251.63
Family	\$3,002.18

FIDLAR CONTRACT / RECORDER: Attorney Beaver explained that the Commissioners have a contract with Fidlar that has been in place since 2009. The extension will be expiring on December 15, 2015. Fidlar has proposed a 5-year extension. For year one (1) of the extension, the annual rate would remain the same as it has been for the last three (3) years (\$16,695.00). The rate for years two (2) through five (5) would have a \$1,000.00 increase (\$17,695.00). Attorney Beaver explained that there are two (2) components to the contract for additional services provided by Fidlar that the County has never entered into. One is called their Monarch service and the other is Laredo Tapestry. Attorney Beaver explained that Fidlar is not an Indiana company. The problem with their contracts is that they are not making them comply or conform to Indiana law. The Recorder is comfortable right now with keeping the contract as is for the next five years. Mr. Maxwell made the motion to approve the contract with Fidlar. Mr. Walstra seconded and the motion carried.

<u>DEPARTMENT OF JUSTICE / AUDIT RESPONSE:</u> Attorney Beaver reported that the Ordinance to Establish the Risk Management Board has been sent to the federal auditors to show that we are restructuring the government in a way to comply with their concerns.

There being no further business, Mr. Maxwell made the motion to adjourn. Mr. Walstra seconded and the motion carried.

	JASPER COUNTY BOARD OF COMMISSIONERS:
	Kendell Culp, President
	James A. Walstra, Vice President
	Richard E. Maxwell, Member
ATTEST:	
Kimberly K. Grow, Audito	r of Jasper County

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